

**Title 46
TRAFFIC CODE**

UPDATED: October 16, 2013

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46.04 WASHINGTON MODEL TRAFFIC ORDINANCE

Sections:

- 46.04.010 Adopted.
- 46.04.020 Certain sections deleted.
- 46.04.030 RCW 46.90.565 amended - Unclaimed bicycles.
- 46.04.040 RCW 46.61.415-1 amended - Speed limit revisions.
- 46.04.050 RCW 46.61.415-2 amended - Decrease of state law maximum speed.
- 46.04.060 RCW 46.61.570-1 amended.
- 46.04.062 Stopping, parking, leaving standing vehicle on roadway prohibited - exceptions.
- 46.04.065 WAC 308-330-265(16) amended - County road engineer authority.
- 46.04.080 Traffic violation - parking restrictions - failure to respond to Washington Model Traffic Ordinance violation - penalty.

46.04.010 Adopted. The "Washington Model Traffic Ordinance," Chapter 308-330 WAC, as adopted by the director of Washington State department of licensing under authority of RCW 46.90.010, hereinafter referred to as the "MTO," and RCW 10.31.100 are adopted by reference as and for the traffic ordinance of this county as if set forth in full herein except as provided in Section 46.04.020. (Ord. 11396 § 1, 1994: Ord. 5292 § 2, 1981).

46.04.020 Certain sections deleted. The following sections of the MTO are not adopted by reference and are expressly deleted: RCW 46.61.560, 46.90.250, 46.90.500 through 46.90.540, 46.90.560 and 46.90.565, and those portions of RCW 46.90.406 that adopt by reference sections of chapter 46.55 RCW. (Ord. 17234 § 1, 2011: Ord. 10279, 1992: Ord. 5292 § 3, 1981).

46.04.030 RCW 46.90.565 amended - Unclaimed bicycles. RCW 46.90.565 is amended as follows:

Unclaimed bicycles.

All unclaimed bicycles in the custody of the police department shall be disposed of as provided in Chapter 63.40 RCW. (Ord. 5292 § 4, 1981).

46.04.040 RCW 46.61.415-1 amended - Speed limit revisions. RCW 46.61.415-1 is amended as follows:
Speed limit revisions.

A. The director of the department of transportation is empowered to revise existing speed limits on all streets and roads within this county as authorized by state law; provided, that such speed limit revisions shall not exceed ten miles per hour; provided further, that any determination of the proper numerical value for a speed zone will be based upon the following engineering and traffic investigation factors:

1. Road surface characteristics, shoulder conditions, grade, alignment and sight distance;
2. The eighty-five percentile speed and pace speed;
3. Roadside development and culture, and roadside friction;
4. Safe speed for curves or hazardous locations within the zone;
5. Parking practices and pedestrian activity;
6. Reported accident experience for a recent twelve-month period.

B. Action of the director of the department of transportation in any speed limit revisions may be appealed by a person to the King County council provided the appeal is filed in writing within thirty calendar days from the date of posting of speed zone. (Ord. 14199 § 255, 2001: Ord. 5292 § 5, 1981).

46.04.050 RCW 46.61.415-2 amended - Decrease of state law maximum speed. RCW 46.61.415-2 is amended as follows: Decrease of state law maximum speed. It is determined upon the basis of an engineering and traffic investigation that the speed permitted by state law on county roads is greater than is reasonable or safe under the conditions found to exist upon the following roads, and it is declared that the speed limit shall be as set forth in this section on those streets or parts of streets designated in this section at the times specified in this section.

A. No person shall operate a motor vehicle upon any county road within a residence district, as defined in RCW 46.04.470, in excess of twenty-five miles per hour.

B. No person shall operate a motor vehicle upon any county road in King County within a business district, as defined in RCW 46.04.080, in excess of twenty-five miles per hour.

C. No person shall operate a motor vehicle upon the county roads designated in Schedule 1 in excess of twenty-five miles per hour, when signs are erected giving notice thereof.

D. No person shall operate a motor vehicle upon the county roads designated in Schedule 2 in excess of thirty miles per hour, when signs are erected giving notice thereof.

E. No person shall operate a motor vehicle upon the county roads designated in Schedule 3 in excess of thirty-five miles per hour, when signs are erected giving notice thereof.

F. No person shall operate a motor vehicle upon the county roads designated in Schedule 4 in excess of forty miles per hour, when signs are erected giving notice thereof.

G. No person shall operate a motor vehicle upon the county roads designated in Schedule 5 in excess of forty-five miles per hour, when signs are erected giving notice thereof.

H. No person shall operate a motor vehicle in the county parks designated in Schedule 6 in excess of the limit prescribed therein, when signs are erected giving notice thereof.

I. No person shall operate a motor vehicle other than in the indicated direction upon those county roads and parts of roads and alleys designated in Schedule 10, when signs are erected giving notice thereof.

J. No person shall operate a motor vehicle upon the county roads designated in Schedule 24 in excess of fifty miles per hour, when signs are erected giving notice thereof. (Ord. 5292 § 6, 1981).

46.04.060 RCW 46.61.570-1 amended. RCW 46.61.570-1 is amended as follows:

A. When signs are erected in each block giving notice thereof, no person shall park a vehicle:

1. At any time upon any of the streets or portions thereof described in Schedule 14 of this traffic code.

2. Between the hours specified in Schedule 15 of any day except as provided within the district or upon any of the streets described in said schedule.

3. Or stop or stand a vehicle between the hours specified in Schedule 16 of any day except as provided in said schedule within the district or upon any of the streets described in said schedule.

4. For a period of time longer than specified in Schedule 17 upon any of the streets or parts of streets specified in said schedule.

B. No person shall park a commercial vehicle which is more than 80 inches wide overall on any street or alley in residentially zoned areas as defined in Title 21A between the hours of midnight and six a.m.

1. A person found to have committed a violation of this section shall be assessed a monetary penalty of fifty dollars.

C. When signs are erected in each block giving notice thereof, no person shall park a trailer, either attached to or detached from a motor vehicle at any time, upon any of the streets or portions thereof described in Schedule 18 of this traffic code.

D. No person shall park directly adjacent to a curbside, next to clearly visible residential mail boxes between 10:00 a.m. and 3:00 p.m. on any day of scheduled mail delivery by the United States Postal Service. (Ord. 11792 § 38, 1995: Ord. 11096 § 1, 1993: Ord. 9700 § 1, 1990: Ord. 7403 § 1, 1985: Ord. 5292 § 7, 1981).

46.04.062 Stopping, parking, leaving standing vehicle on roadway prohibited - exceptions.

A. Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

B. Subsection A. of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

C. Subsection A. of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions. However, public transportation service providers, including private, nonprofit transportation providers regulated under chapter 81.66 RCW, may allow the driver of a transit vehicle to stop upon the roadway momentarily to receive or discharge passengers at an unmarked stop zone only under the following circumstances:

1. The driver stops the vehicle in a safe and practicable position;

2. The driver activates four-way flashing lights; and

3. The driver stops at a portion of the highway with an unobstructed view, for an adequate distance so as to not create a hazard, for other drivers.

D. Subsection A. of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21 and 35A.21 RCW or by contract under RCW 36.58.040.

E. Subsection A. of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a commercial farm vehicle who temporarily stops the vehicle upon the roadway within an agricultural production district for the purpose of and while actually engaged in loading or unloading agricultural crops, livestock production and farmland products only under the following circumstances:

1. the driver stops the vehicle in a safe and practicable position;
2. the driver stops the vehicle for a period of less than one hour;
3. the driver stops the vehicle as far from the traveled way as practicable and at all times a minimum of twenty feet must remain clear and open for two-way traffic, which includes maintaining a minimum of twelve feet wide emergency vehicle clearance at all times, regardless of actions of others;
4. the driver activates flashing lights; and
5. the driver stops at a portion of the highway with an unobstructed view, for an adequate distance so as to not create a hazard, for other drivers.

F. If the minimum twenty-foot traveled way referenced in subsection E.3 of this section cannot be maintained, the operator must provide temporary one-lane, two-way traffic control compliant with the Manual on Uniform Traffic Control Devices. All activities performed under subsection E. are the sole responsibility of the operator, who shall assume liability for all injuries to persons or real or personal property, as the result of conducting temporarily stopping the vehicle upon the roadway. (Ord. 17234 § 2, 2011).

46.04.065 WAC 308-330-265(16) amended - County road engineer authority.

The county road engineer shall have the authority by administrative determination to immediately impose temporary gross weight limits on bridges based on the results of an engineering and traffic investigation. The traffic engineer shall have the authority to immediately erect and maintain official traffic control devices for temporary gross weight limits on bridges as directed by the county road engineer and in accordance with Chapter 46.90 RCW, WAC 308-330-265(16) and K.C.C. 14.16. (Ord. 11396 § 2, 1994).

46.04.080 Traffic violation - parking restrictions - failure to respond to Washington Model Traffic Ordinance violation - penalty.

A. It is a traffic violation, and therefore subject to disposition under applicable state law and court rule, to not comply with any parking restriction in:

1. The MTO, as adopted and incorporated by reference by this chapter;
2. K.C.C. 46.04.060; or
3. K.C.C. 7.12.250.

B. A monetary penalty of twenty-five dollars is established for failing to respond within the time prescribed by chapter 46.63 RCW to a notice relating to a traffic violation relating to one or more parking violations set forth in KCC 46.04.010. (Ord. 16294 § 1, 2008).

46.06 MOTORIZED FOOT SCOOTERS

Sections:

- 46.06.010 Authority and purpose.
- 46.06.020 Definitions.

- 46.06.030 Rules.
- 46.06.040 Areas of operation.
- 46.06.050 Noise.
- 46.06.060 Application to other devices.
- 46.06.070 Violation - penalty.
- 46.06.080 Responsibility.

46.06.010 Authority and purpose.

A. The county is authorized to restrict or otherwise limit the access of motorized foot scooters on facilities and properties under its jurisdiction under RCW 46.61.710.

B. The county is also authorized under Article 11, Section 11 of the Washington State Constitution to enact local police regulations.

C. The purpose of this chapter is to regulate the use and operation of motorized foot scooters on county roads, alleys and sidewalks and also on recreational trails and county park property in accordance with K.C.C. chapter 7.12. (Ord. 15050 § 3, 2004).

46.06.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

B. "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

C. "Director" means the director of the department of transportation.

D. "Electric motorized foot scooter" means a motorized foot scooter powered solely by an electric motor.

E. "Gas motorized foot scooter" means a motorized foot scooter powered in whole or in part by an internal combustion engine.

F. "Motorized foot scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. A motor-driven cycle, a moped, an electric-assisted bicycle or a motorcycle is not a motorized foot scooter.

G. "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting there from.

H. "Operator or driver" means every person who drives or is in actual physical control of a vehicle.

I. "Pedestrian" means a person who is afoot or who is using a wheelchair, a power wheelchair or a means of conveyance propelled by human power other than a bicycle.

J. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. If a highway includes two or more separated roadways, "roadway" refers to any such a roadway separately but does not refer to all such roadways collectively.

K. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such a portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

L. "Vehicle" includes every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or

drawn upon a public highway, including bicycles. "Vehicle" does not include a power wheelchair or device other than a bicycle moved by human or animal power or used exclusively upon stationary rails or tracks. (Ord. 15050 § 4, 2004).

46.06.030 Rules. The following rules of operation apply to both gas and electric motorized foot scooters:

A. A motorized foot scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement;

B. A motorized foot scooter may not be in use at any time from a half hour after sunset to a half hour before sunrise.

C. A gas motorized foot scooter may not be operated on county roads, alleys and sidewalks and county recreational trails and park property unless the operator is at least thirteen years of age. There is no minimum age requirement to operate an electric motorized foot scooter. No operator's license is required from the state Department of Licensing to operate a motorized foot scooter.

D. Any person operating a motorized foot scooter or riding as a passenger on a motorized foot scooter upon any county road, alley, sidewalk, recreational trail or park property shall wear a protective helmet designed for bicycle safety that meets or exceeds the safety standards adopted by the United States Consumer Product Safety Commission or set by the American National Standards Institute, or such subsequent nationally recognized standard for bicycle helmet performance as the county may adopt by ordinance. The helmet must be equipped with either a neck strap or chinstrap that shall be fastened securely while the motorized foot scooter is in motion.

E. Any persons operating a motorized foot scooter shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic-control signals, signs and other control devices applicable to vehicles and pedestrians, unless otherwise directed by a law enforcement officer. (Ord. 15050 § 5, 2004).

46.06.040 Areas of operation.

A. Gas motorized foot scooters are prohibited from being operated on sidewalks.

B. All motorized foot scooters are prohibited from being operated in the following areas:

1. On any county road with a posted maximum speed limit greater than twenty-five miles per hour; and

2. With regard to use of these devices on King County parks facilities, including parks, recreational trails, open space or other property under the jurisdiction of the parks and recreation division of the department of natural resources and parks, the operation of motorized foot scooters is prohibited unless the facility has been specifically designated and posted for that use in accordance with K.C.C. chapter 7.12. (Ord. 15050 § 6, 2004).

46.06.050 Noise.

A. Every gas motorized foot scooter shall at all times be equipped with a muffler in a good working order and in constant operation to prevent excessive or unusual noise.

B. The use of a cutout, bypass or similar muffler elimination device, is prohibited on any gas motorized foot scooter. (Ord. 15050 § 7, 2004).

46.06.060 Application to other devices. The provisions of this chapter regarding motorized foot scooters, gas motorized foot scooters, and electric motorized foot scooters apply to any device that:

A. Matches the definition of a motorized foot scooter, gas motorized foot scooter or electric motorized foot scooter except for the size of the device's wheels; and

B. Cannot be defined as a motor-driven cycle, a moped, an electric-assisted bicycle or a motorcycle. (Ord. 15050 § 8, 2004).

46.06.070 Violation - penalty. A person violating this chapter commits a traffic infraction and is subject to a penalty not to exceed one hundred twenty-five dollars. (Ord. 15050 § 9, 2004).

46.06.080 Responsibility. A person shall not violate this chapter. The parent of a child or the guardian of a ward shall not authorize or knowingly permit the child or ward to violate this chapter. (Ord. 15050 § 10, 2004).

46.08 IMPOUNDMENT AND REDEMPTION OF CERTAIN VEHICLES

Sections:

- 46.08.010 Definitions.
- 46.08.040 When a vehicle may be impounded without prior notice.
- 46.08.050 When a vehicle may be impounded after notice.
- 46.08.055 Impoundment of watercraft - exception - waiver.
- 46.08.060 Impound procedure.
- 46.08.070 Owner of impounded vehicle to be notified.
- 46.08.080 Redemption of impounded vehicles and hearing request.
- 46.08.100 Hearing procedure.
- 46.08.110 Unclaimed vehicles.
- 46.08.120 King County department of public safety record of impounded vehicles.
- 46.08.130 Contracts for towing and storage.
- 46.08.132 Additional towing contractor duties and records.
- 46.08.134 Towing contractor standards.

46.08.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Impoundment" means the removal of a vehicle or watercraft to a storage facility either by an officer or authorized agent of the department of public safety or by a towing contractor in response to a request from an officer or authorized agent of the department of public safety.

B. "Towing contractor" means any firm, partnership, tow operator, association or corporation duly licensed by the state of Washington to perform towing and storage services that enters into a contract with the department of public safety to perform towing and storage services under the provisions of this chapter.

C. "Vehicle" shall have the same definition as in RCW 46.04.670, and shall also include any junk vehicle as defined in RCW 46.55.010.

D. "Watercraft" means a vessel used to transport persons on water.

E. "Workday" means Monday through Friday, not including Saturday and Sunday or legal holidays as defined in RCW 1.16.050.

F. "Wrecked, dismantled or inoperative vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle, or an extensively damaged recreational vehicle or boat, that is clearly inoperative and either cannot be made operative without the

addition of vital parts or mechanisms or is damaged to the extent that it prevents normal operation of the vehicle, or both. (Ord. 17668 § 1, 2013: Ord. 14310 § 2, 2002: Ord. 10278 § 1, 1992).

46.08.040 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in K.C.C. 46.08.050 under any of the following circumstances:

1. The vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic;
2. The vehicle is illegally parked in a conspicuously posted restricted zone where parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at any time when the vehicle is interfering or likely to interfere with the intended use of such a zone;
3. The vehicle poses an immediate danger to the public safety;
4. A police officer has information sufficient to form a reasonable belief that the vehicle is stolen;
5. A police officer has information sufficient to form a reasonable belief that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary to obtain or preserve such evidence;
6. Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property;
7. Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property;
8. Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.62.581 which space is provided on private property without charge or on public property;
9. Whenever a mobile home is subject to removal from a mobile home park under a writ of restitution, provided such writ is attached to a department of public safety impound report; or
10. Whenever a wrecked, dismantled or inoperative vehicle is left on the public right of way, or on publicly owned or controlled property.

B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required. Nothing in this section may derogate from the powers of police officers under the common law or other statute or ordinance. (Ord. 17668 § 2, 2013: Ord. 14310 § 3, 2002: Ord. 10278 § 4, 1992: Ord. 5846 § 4, 1982).

46.08.050 When a vehicle may be impounded after notice. A vehicle not subject to impoundment under K.C.C. 46.08.040 hereof may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on the vehicle for a period of twenty-four hours prior to such impoundment if such vehicle is parked and/or used in violation of any law, ordinance or regulation; provided, that if the vehicle has current Washington registration plates the officer or the King County department of public safety shall check the records to learn the identity of the last owner of record and shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notice of proposed impoundment. (Ord. 10278 § 5, 1992).

46.08.055 Impoundment of watercraft - exception - waiver. Whenever it appears reasonably necessary to protect persons or property, a deputy may order the impoundment of a watercraft when the watercraft cannot be otherwise secured or released. The deputy in lieu of impound may release the watercraft to a person who, in the deputy's opinion, can safely operate the watercraft or secure the watercraft to a moorage facility when the moorage facility has been approved for that purpose. A person to whom the deputy releases the watercraft must be legally able operate a watercraft under RCW 79A.60.640. If the owner or operator of the watercraft is present, the person's signature on a waiver of impound is required before the officer may release the watercraft to a person in lieu of impoundment. (Ord. 17668 § 3, 2013)

46.08.060 Impound procedure. When a deputy orders an impoundment is authorized by this chapter, a towing contractor acting at the request of the deputy or an authorized agent of the department of public safety may impound the vehicle or watercraft. The deputy or authorized agent must provide to the towing contractor a signed authorization for the tow and the impound before the towing contractor may proceed with the impound. (Ord. 17668 § 4, 2013: Ord. 10278 § 6, 1992).

46.08.070 Owner of impounded vehicle to be notified.

A. When a vehicle or watercraft is impounded, the impounding towing contractor shall notify the legal and registered owner or owners of the impoundment of the vehicle or watercraft. The notification shall be in writing and sent within twenty-four hours after the impound by first-class mail to the last known registered and legal owner or owners of the vehicle or watercraft, as identified by the department of public safety, and shall inform the owner or owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address and telephone number, the location and time of the impound and by whose authority the vehicle or watercraft was impounded. The notice shall also include the notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment under K.C.C. 46.08.100, as set forth on a form to be provided by the department of public safety.

B. In the case of an abandoned vehicle, as defined in RCW 46.55.010(1), within twenty-four hours after receiving information on the vehicle owner or owners from the state Department of Licensing through the abandoned vehicle report, the towing contractor shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owner or owners.

C. A notice does not need be sent to the legal or registered owner or owners of an impounded vehicle or watercraft if the vehicle or has been redeemed.

D. When a person seeks to redeem an impounded vehicle or watercraft, the towing contractor shall give the person a copy of the towing and storage receipt as well as written notice of the right of redemption and opportunity for a hearing, as set forth on a form provided by the department of public safety. The towing contractor shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

E. Similar written notice and record of notification for redemption and opportunity for a hearing, as set forth on a form provided by the department of public safety, shall be given by the towing contractor at the time of releasing a vehicle or watercraft impounded for investigatory purposes in accordance with K.C.C. 46.08.040.E, following authorization by the department of public safety to release the vehicle or watercraft. (Ord. 17668 § 5, 2013: Ord. 10278 § 7, 1992).

46.08.080 Redemption of impounded vehicles and hearing request. Vehicles or watercraft impounded by the county shall be redeemed under the following circumstances:

A. Only the registered owner, a person authorized in writing by the registered owner, or one who has purchased a vehicle or watercraft from the registered owner and who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or watercraft.

B. A person redeeming an impounded vehicle or watercraft must pay the towing contractor for the reasonable costs of towing and storage resulting from the impoundment before the vehicle or watercraft may be released from impound. The towing contractor shall accept cash, major bank credit cards, certified bank drafts, money orders and personal checks drawn on banks in payment for the costs that if a personal check is offered in payment for the costs, the person so offering the same may be required to show evidence of his or her identity

C. A person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, or in any other manner defrauds the towing contractor in connection with services rendered in accordance with this section, shall be liable to the towing contractor for actual costs of towing and storage. In any action to enforce this subsection, the prevailing party shall be entitled to its court costs and reasonable attorneys' fees.

D. A person seeking to redeem an impounded vehicle or watercraft has a right to a hearing under K.C.C. 46.08.100 before an administrative hearing officer to contest the validity of the impoundment or the amount of towing and storage costs. A request for a hearing shall be made in writing on a form provided for that purpose by the department of public safety and signed by the person, and must be received by the department of public safety within ten days, including Saturdays, Sundays and holidays of the later of the date the notice of right of redemption and opportunity for hearing was mailed to the person in accordance with K.C.C. 46.08.070.A, or the date the notice was given to the person by the towing contractor in accordance with K.C.C. 46.08.070.D. If the hearing request is not received by the department of public safety within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage or other impoundment costs permitted under this chapter.

E. If a hearing as provided for in K.C.C. 46.08.100 is requested, such hearing shall be held within two working days of the receipt of the written request for the hearing by the department of public safety. (Ord. 17668 § 6, 2013: Ord. 10278 § 9, 1992).

46.08.100 Hearing procedure.

A. In accordance with RCW 46.55.240(1)(d), the sheriff shall appoint one or more administrative hearing officers to conduct the hearings requested under K.C.C. 46.08.080. The hearing officer shall determine whether the impoundment was proper and whether either the towing or the storage fees charged in connection with the impound were reasonable.

B. At the hearing, the department of public safety may produce any relevant evidence to show that the impound fees, or both, were proper and reasonable. The officer's impound report and the towing contractor's impound receipts may be received in evidence. In determining whether the fees charged were reasonable, the hearing officer may take notice of the towing contractor's rates.

C. At the hearing, the person who requested the hearing may produce any relevant evidence to show that the impound or fees, or both, were not proper and reasonable.

D. If the impoundment is found to be proper, the hearings officer shall enter an order so stating. If the costs of impoundment have not been paid, the hearing officer's

order shall also provide that the impounded vehicle or watercraft shall be released only after payment of the reasonable costs of impoundment to the towing contractor.

E. If the impoundment is found to be improper, the hearing officer shall enter an order so stating and shall order the immediate release of the vehicle or watercraft. If the costs of impoundment have already been paid, the hearing officer shall enter an order against the county and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment plus interest at the rate of twelve percent per year from the date that person paid the costs, and the county shall comply with the order.

If the reasonable costs of impoundment have not been paid, the hearing officer shall enter an order directing the county to pay the costs to the towing contractor, and the county shall comply with the order.

F. If the hearing officer finds that the impoundment was proper, but that the towing or storage, or both, fees were unreasonable, the hearing officer shall determine the correct fees to be charged. If the costs of impoundment have not been paid, the hearing officer shall order the release of the vehicle or watercraft upon payment of the correct impoundment fees as determined by the hearing officer. If the costs of impoundment have been paid, the hearing officer shall enter an order against the county and in favor of the person who has paid the costs of impoundment for the amount of the overpayment plus interest at the rate of twelve percent per year on the overpayment from the date that person paid the costs, and the county shall comply with the order. The towing contractor shall be liable to the county for the amount of the overpayment and interest at the rate of twelve percent per year. The towing contractor shall make the payment to the county no later than sixty days after it receives notice of the requirement to pay. The county may bring an action in the district court against the towing contractor to recover the overpayment plus interest at the rate of twelve percent per year.

G. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearing officer may be appealed to the King County district court for final judgment. (Ord. 17668 § 7, 2013: Ord. 12904 § 6, 1997: Ord. 10278 § 10, 1992).

46.08.110 Unclaimed vehicles.

A. Any impounded vehicle or watercraft not redeemed within fifteen days of mailing of the notice required by K.C.C. 46.08.070, and not listed as a stolen vehicle or watercraft, shall be deemed unclaimed and shall be sold at a public auction in accordance with the provisions and subject to all conditions of RCW 46.55.130. However, in the case of a vehicle impounded and held under order of a county police officer, the fifteen days shall not begin until forty-eight hours after the department of public safety has notified both the owner and the towing company that it has authorized the release of the vehicle or watercraft. Also, when a timely request for a hearing has been made under K.C.C. 46.08.080, the sale of the vehicle or watercraft at public auction shall not take place until after the hearing has been conducted and the hearing officer has entered an order. Before sale at public auction, the towing contractor shall confirm with the department of public safety that a hearing is not pending.

B. When an unclaimed vehicle or watercraft is sold at public auction under subsection A. of this section, the towing contractor may recover its towing and storage charges from the proceeds of the sale. The towing and storage charges shall be limited to the contract rates established under K.C.C. 46.08.130. (Ord. 17668 § 8, 2013: Ord. 10278 § 11, 1992).

46.08.120 King County department of public safety record of impounded vehicles. King County department of public safety shall keep, and make available for inspection, a record of all vehicles or watercraft impounded under the provisions of this chapter. The record shall include at least the following information:

- A. Vehicle or watercraft make, year, and model;
- B. Vehicle or watercraft license number and state of registration;
- C. Vehicle or watercraft identification number, if ascertainable;
- D. Such other descriptive information as the director department of public safety deems useful for purposes of vehicle or watercraft identification;
- E. Name of impounding officer and serial number; and
- F. Reason for impoundment, and the time, date and location the approved towing company took custody. (Ord. 17668 § 9, 2013: Ord. 5846 § 12, 1982).

46.08.130 Contracts for towing and storage. The county executive, or his designee, may enter into contracts with towing contractors to provide towing and storage services on request of the King County department of public safety pursuant to this chapter. Such contracts shall be at no cost to the county and shall provide that the towing contractor may recover the costs of towing and storage only from the person seeking to redeem the impounded vehicle, or from the proceeds of sale of an unclaimed vehicle pursuant to K.C.C. 46.08.110, and that the county shall not be responsible for payment of such costs except upon order of the administration hearing officer pursuant to K.C.C. 46.08.100. The sheriff may specify that towing services obtained by the department of public safety will be on a rotational or other basis in specific geographic areas in the county. The sheriff may specify the rates towing contractors may charge persons seeking to redeem impounded vehicles for towing and storage services provided pursuant to this chapter. (Ord. 12904 § 7, 1997: Ord. 10278 § 12, 1992).

46.08.132 Additional towing contractor duties and records. Each towing contractor, in addition to fully complying with the standards set by King County department of public safety must:

- A. File its towing and storage rates with the King County department of public safety;
- B. Maintain all vehicle transaction files for three years. (Ord. 10278 § 13, 1992).

46.08.134 Towing contractor standards. The sheriff of the King County department of public safety is authorized and directed to adopt standards that carry out the provisions and intent of this chapter. Towing contractors are required to comply with such standards. (Ord. 12094 § 8, 1997: Ord. 10278 § 14, 1992).

46.10 NO CRUISING

Sections:

- 46.10.010 Definitions.
- 46.10.020 No cruising areas -- county council ordinance required and posting of signs.
- 46.10.030 Acts constituting cruising prohibited.
- 46.10.040 No cruising -- targeted enforcement.
- 46.10.050 Exceptions.
- 46.10.060 Violation penalty.
- 46.10.080 SeaTac Mall no cruising area.

46.10.010 Definitions.

A. No cruising area: An area designated by the county council by ordinance as susceptible to, or having a history of traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shopping centers or other buildings open to the public, interference with the use of property or conduct of business in the area adjacent

thereto or that emergency vehicles cannot respond in that area within a reasonable period of time.

B. Traffic-control point: Any point or points established by public safety within the no cruising area for the purpose of monitoring cruising. (Ord. 9078 § 1, 1989).

46.10.020 No cruising areas -- county council ordinance required and posting of signs.

A. No area shall be designated or posted as a no-cruising area except upon the passage of an ordinance by the council specifically mandating said designation and posting for a particular area.

B. At every point where a public street or alley becomes or provides ingress to a no cruising area there shall be posted a sign which designates a no cruising area. (Ord. 9078 § 2, 1989).

46.10.030 Acts constituting cruising prohibited. No person shall drive or permit a motor vehicle under his care, custody or control to be driven past a traffic-control point more than two times in the same direction of travel within a two-hour period in or around a posted no cruising area so as to contribute to traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shopping centers or other buildings open to the public or interference with the use of property or conduct of business in the area adjacent thereto. The third passage of the same traffic-control point in the same direction of travel within the aforementioned two-hour period constitutes a violation of this chapter. (Ord. 9078 § 3, 1989).

46.10.040 No cruising -- targeted enforcement. The county sheriff of public safety or his designee shall determine when a no cruising area has become so congested by traffic as to present a danger of traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shopping centers or other buildings open to the public, interference with the use of property or conduct of business in the area adjacent thereto, or emergency vehicles not being able to respond in that area within a reasonable period of time. The county sheriff or his designee shall then direct that no cruising signs shall be erected or installed and maintained until the congestion has lessened to an acceptable degree. (Ord. 12904 § 9, 1997: Ord. 9078 § 4, 1989).

46.10.050 Exceptions. This chapter shall not apply to residents within a no cruising area, in-service emergency vehicles, taxicabs for hire, buses and other vehicles being driven for business purposes. (Ord. 9078 § 5, 1989).

46.10.060 Violation penalty. Violation of this chapter is a traffic infraction, and shall be punished by a penalty of two hundred fifty dollars. (Ord. 9078 § 6, 1989).

46.10.080 SeaTac Mall no cruising area. The following area is hereby designated as a no cruising area pursuant to K.C.C. 46.10.010: From the northwest corner of the right-of-way at the intersection of South 316th Street and Pacific Highway South, thence east along the north margin of the right-of-way of South 316th Street to the northeast corner of the right-of-way at the intersection at 23rd Avenue South and South 316th Street; thence southeast along the northeast margin of the right-of-way of 23rd Avenue South to the northeast corner of the right-of-way at the intersection at 23rd Avenue South and South 317th Street; thence east along the north margin of the right-of-way of South 317th Street to the northeast corner of the right-of-way at the intersection of South 317th Street and Gateway Center Boulevard; thence generally south along the

east margin of the right-of-way of Gateway Center Boulevard to the southeast corner of the right-of-way at the intersection of Gateway Center Boulevard and South 320th Street; thence west along the south margin of the right-of-way of South 320th Street to the southeast corner of the right-of-way of the intersection at South 320th Street and 23rd Avenue South; thence south along the east margin of the right-of-way of 23rd Avenue South to the right-of-way of the curving intersection at 23rd Avenue South and South 324th Street; thence west along the south margin of the right-of-way of South 324th Street to the southwest corner of the right-of-way at the intersection at South 324th Street and Pacific Highway South; thence north along the west margin of the right-of-way of Pacific Highway South to the northwest corner of the right-of-way at the intersection of Pacific Highway South and South 316th Street, the true point of beginning. (Ord. 9288 § 1, 1990).

46.12 UNMUFFLED ENGINE COMPRESSION BRAKE CONTROL AREAS

Sections:

- 46.12.010 Definition.
- 46.12.020 Prohibition - Exception.
- 46.12.030 Violation - Penalty.
- 46.12.040 Posting of signs.

46.12.010 Definition. Unmuffled engine compression brake: a motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise. (Ord. 12887 § 1, 1997: Ord. 10070 § 1, 1991).

46.12.020 Prohibition - Exception. The application of unmuffled engine compression brakes in unincorporated King County is prohibited, except when necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes which is effectively muffled or if the application is necessary for the health, safety, and welfare of the community as specified in K.C.C. 12.94.010(4) is exempt from the provisions of this chapter. Sounds created by emergency equipment for emergency work are also exempt. (Ord. 12887 § 2, 1997: Ord. 10445 § 1, 1992: Ord. 10070 § 2, 1991).

46.12.030 Violation - Penalty. Violation of this chapter shall constitute a traffic infraction, and shall be punished by a penalty of two hundred fifty dollars per violation. (Ord. 10070 § 3, 1991).

46.12.040 Posting of signs. The director of transportation shall post at reasonable locations upon the boundaries of the county signs indicating "Unmuffled Compression Brakes Prohibited," or substantially similar wording. The director of transportation shall have authority to post signs pursuant to this chapter on roads in the unincorporated area in response to reasonable requests from the community, executive or council. Existing compression brake signs on county roads shall remain and be maintained and replaced, when necessary, with language consistent with this chapter (ORD. 12887 § 3, 1997: Ord. 10070 § 4, 1991).

46.14 VEHICULAR TRESPASS

Sections:

- 46.14.010 Avoidance of stop signs and stop lights prohibited.
- 46.14.020 Penalty.

46.14.010 Avoidance of stop signs and stop lights prohibited. No one driving a motor vehicle shall seek to avoid stopping for stop signs, stop lights, yield signs or any other sign or device used to control traffic using a public right-of-way by detouring through private property to reach any other public or private right-of-way. (Ord. 10128 § 1, 1991).

46.14.020 Penalty. Anyone found to be in violation of the provisions of this chapter shall be guilty of an infraction punishable by a fine of no more than twenty five dollars. (Ord. 10128 § 2, 1991).

46.20 INATTENTIVE DRIVING

Sections:

- 46.20.010 Inattentive driving - penalty.

46.20.010 Inattentive driving - penalty.

A. It is unlawful for any person to operate a motor vehicle in an inattentive manner.

B. For the purposes of this section "inattentive" means with a negligent lack of attentiveness to conditions, circumstances, and one's duties required to safely operate a motor vehicle. "Conditions" include, but are not limited to, the nature and condition of the roadway, presence of other traffic, presence of pedestrians and weather conditions.

C. A violation of subsection A. of this section is a civil infraction. The offense of inattentive driving shall be considered to be a lesser offense than, but included in, the offense of operating a motor vehicle in a negligent manner under RCW 46.61.525. A person convicted of inattentive driving shall be guilty of an infraction, and shall be subject to a fine of one hundred twenty-four dollars, plus any statutory costs and assessments.

D. A citation for a violation of subsection A. of this section shall not be issued unless the officer issuing the citation has cause to stop or arrest the driver of the motor vehicle for the violation of some other provision of the King County Code relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. (Ord. 17455 § 2, 2012).